UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
NATIVIDAD ZAVALA-ZAVALA) EP-17-MJ-4462-MAT
BLANCA NIEVE VASQUEZ-HERNANDEZ) EP-17-MJ-4499-MAT
ELBA LUZ DOMINGUEZ-PORTILLO) EP-17-MJ-4409-MAT
JOSE FRANCIS YANES-MANCIA) EP-17-MJ-4461-MAT
MAYNOR ALONSO CLAUDINO-LOPEZ) EP-17-MJ-4456-MAT

SUPPLEMENTAL MEMORANDUM REGARDING DEFENDANTS' AMENDED RESPONSE & OBJECTION TO GOVERNMENT'S MOTION TO AMEND/CORRECT THE COURT'S OPINION

Parents-Defendants Elba Luz Dominguez-Portillo, Natividad Zavala-Zavala, Jose Francis Yanes-Mancia, Blanca Nieve Vasquez-Hernandez, and Maynor Alonso Claudino-Lopez, by and through the undersigned attorney, file this <u>Supplement</u> to their previously filed "Amended Response & Objection to Government's Motion to Amend/Correct the Court's Opinion."

To recapitulate: on November 7, 2017, Parents-Defendants filed a motion to dismiss. On November 27, 2017, at a hearing on the motion to dismiss, Magistrate Judge Miguel A. Torres denied the Parents-Defendants' motion. On December 1, 2017, Magistrate Torres found the Parents-Defendants guilty of illegal entry misdemeanors under 8 U.S.C. § 1325 and sentenced them to probation. On December 14, 2017, the Parents-Defendants filed their notice of appeal. On January 5, 2018, Magistrate Torres issued a written opinion of his denial of the Parents-

Defendants' motion to dismiss.

On January 17, 2018, the government filed a "motion to amend/correct the court's opinion" by Magistrate Torres that denied the Parents-Defendants' motion to dismiss. On February 6, 2018, the Parents-Defendants filed their amended response.

However, in the interest of justice and to apprise the court of a new development, Parents-Defendants file this Supplement to include a decision made last week by an immigration judge in one case, and recent copies of the case-closure summaries in the rest of the cases. Specifically, on February 21, 2018, an immigration judge granted an immigration bond in the case of Parent-Defendant Vasquez-Hernandez. Accordingly, attached is a copy of the immigration judge's signed order. See attached Parents-Defendants' Exhibit "X."

Respectfully submitted,
MAUREEN SCOTT FRANCO
Federal Public Defender
/s/
SERGIO GARCIA
Assistant Federal Public Defender
Western District of Texas
700 E. San Antonio, D-401
El Paso, Texas 79901
(915) 534-6525

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

/s/

Sergio Garcia Attorney for Defendant

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UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW IMMIGRATION COURT EL PASO, TX

Public Property Commence

IN THE MATTER OF:

VAZQUEZ-HERNANDEZ, BLANCA NIEVE

RESPONDENT

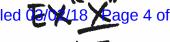
IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Department of Homeland Security and the respondent, it is hereby

1101110110	nd security and the respondent, it is hereby
	ORDERED that the request for a change in custody status be denied.
<u>X</u>	ORDERED that the request be granted and that respondent be:
	released from custody on his own recognizance
<u>×</u>	released from custody under bond of \$_7500
X	OTHER GRS Monitoring @ DHS Discretin
APPEAL:	f this decision has been served on the respondent and the ment of Homeland Security.
	Immigration Judge

XS





This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 01/09/2018

Allen was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number:

Inadmissibility

Date Departed: 01/08/2018

ALONSO

Name: CLAUDINO LOPEZ, MAYNOR

Port Departed: VALLEY INTERNATIONAL

DOB: 08/08/1978

AIRPORT

COB: HONDURAS

Departure Country: HONDURAS

COC: HONDURAS

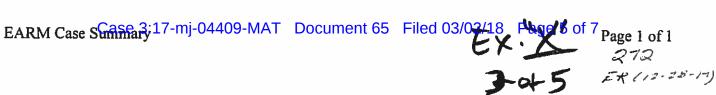
Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained

the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	! !	Final Charge
10/23/2017	8 USC 1325		ENTRY OF ALIEN AT IMPROPER TIME OR PLACE MISREP/CONCEALMENT OF FACTS	Sustain	
10/23/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212	Sustain	
10/23/2017	212a7Ail	17A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	Х



This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 02/22/2018

Allen was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number:

inadmissibility

Date Departed: 02/07/2018

Name: ZAVALA-ZAVALA, NATIVIDAD

Port Departed: EL PASO, TX Departure Country: HONDURAS

DOB: 12/24/1955 COB: HONDURAS COC: HONDURAS

Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained

the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked

as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/22/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212		
10/22/2017	212a7All	17A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	x



This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 02/21/2018

Allen was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number:

Inadmissibility

Name: YANES-MANCIA, JOSE FRANCIS

Date Departed: 02/07/2018 Port Departed: EL PASO, TX DOB: 12/03/1973

Departure Country: HONDURAS

COB: HONDURAS COC: HONDURAS

Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained

the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/22/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212		
10/22/2017	212a7Ail	17A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	X

This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

LUZ

Date Case Closed: 02/12/2018

Alien was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number:

Inadmissibility

Date Departed: 02/07/2018

Name: DOMINGUEZ PORTILLO, ELBA

Port Departed: PHOENIX, AZ

DOB: 11/19/1968

Departure Country: EL SALVADOR

COB: EL SALVADOR COC: EL SALVADOR

Expense Code: 1-ICE/Agency

Charges -- Charges marked with a Disposition of Sustained the section of law under which the alien was removed. The

Comments:

Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/21/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212	Sustain	
10/21/2017	212a6Ai	t6A	ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)	Sustain	X